

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 518 be amended to read as follows:

- 1 Page 11, between lines 23 and 24, begin a new paragraph and insert:
- 2 "SECTION 12. IC 16-18-2-307.5 IS ADDED TO THE INDIANA
- 3 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2001]: **Sec. 307.5. "Rape crisis center", for**
- 5 **purposes of IC 16-19-13-6, has the meaning set forth in**
- 6 **IC 16-19-13-6(a).**
- 7 SECTION 13. IC 16-19-13-6 IS ADDED TO THE INDIANA
- 8 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 9 [EFFECTIVE JULY 1, 2001]: **Sec. 6. (a) As used in this section,**
- 10 **"rape crisis center" means an organization that provides a full**
- 11 **continuum of services, including hotlines, victim advocacy, and**
- 12 **supportive services, from the onset of need for services through the**
- 13 **completion of healing, to victims of sexual assault.**
- 14 **(b) The sexual assault victims assistance fund is established. The**
- 15 **office shall administer the fund to provide financial assistance to**
- 16 **rape crisis centers. Money in the fund must be distributed to a**
- 17 **statewide nonprofit corporation whose primary purpose is**
- 18 **pursuing the eradication of sexual violence in Indiana. The**
- 19 **nonprofit corporation shall allocate money in the fund among the**
- 20 **rape crisis centers. The fund consists of:**
- 21 **(1) amounts transferred to the fund under IC 33-19-6-18.2;**
- 22 **(2) any appropriations to the fund from other sources;**
- 23 **(3) grants, gifts, and donations intended for deposit in the**
- 24 **fund; and**

1 **(4) interest that accrues from money in the fund.**

2 **(c) The expenses of administering the fund shall be paid from**
 3 **money in the fund. The office shall designate not more than ten**
 4 **percent (10%) of the appropriation made each year to the**
 5 **nonprofit corporation for program administration.**

6 **(d) The treasurer of state shall invest the money in the fund not**
 7 **currently needed to meet the obligations of the fund in the same**
 8 **manner as other public money may be invested.**

9 **(e) Money in the fund at the end of a state fiscal year does not**
 10 **revert to the state general fund."**

11 Page 15, between lines 10 and 11, begin a new paragraph and insert:
 12 "SECTION 18. IC 33-19-5-1 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) For each action
 14 that results in a felony conviction under IC 35-50-2 or a misdemeanor
 15 conviction under IC 35-50-3, the clerk shall collect from the defendant
 16 a criminal costs fee of one hundred twenty dollars (\$120).

17 (b) In addition to the criminal costs fee collected under this section,
 18 the clerk shall collect from the defendant the following fees if they are
 19 required under IC 33-19-6:

- 20 (1) A document fee.
- 21 (2) A marijuana eradication program fee.
- 22 (3) An alcohol and drug services program user fee.
- 23 (4) A law enforcement continuing education program fee.
- 24 (5) A drug abuse, prosecution, interdiction, and correction fee.
- 25 (6) An alcohol and drug countermeasures fee.
- 26 (7) A child abuse prevention fee.
- 27 (8) A domestic violence prevention and treatment fee.
- 28 (9) A highway work zone fee.
- 29 (10) A deferred prosecution fee (IC 33-19-6-16.2).

30 **(11) A sexual assault victims assistance fee.**

31 (c) Instead of the criminal costs fee prescribed by this section, the
 32 clerk shall collect a pretrial diversion program fee if an agreement
 33 between the prosecuting attorney and the accused person entered into
 34 under IC 33-14-1-7 requires payment of those fees by the accused
 35 person. The pretrial diversion program fee is:

- 36 (1) an initial user's fee of fifty dollars (\$50); and
- 37 (2) a monthly user's fee of ten dollars (\$10) for each month that
 38 the person remains in the pretrial diversion program.

39 (d) The clerk shall transfer to the county auditor or city or town
 40 fiscal officer the following fees, within thirty (30) days after they are
 41 collected, for deposit by the auditor or fiscal officer in the appropriate
 42 user fee fund established under IC 33-19-8:

- 43 (1) The pretrial diversion fee.
- 44 (2) The marijuana eradication program fee.
- 45 (3) The alcohol and drug services program user fee.
- 46 (4) The law enforcement continuing education program fee.

(e) Unless otherwise directed by a court, if a clerk collects only part of a criminal costs fee from a defendant under this section, the clerk shall distribute the partial payment of the criminal costs fee as follows:

(1) First, the clerk shall apply the partial payment to general court costs.

(2) Second, if there is money remaining after the partial payment is applied to general court costs under subdivision (1), the clerk shall distribute the partial payment for deposit in the appropriate county user fee fund.

(3) Third, if there is money remaining after distribution under subdivision (2), the clerk shall distribute the partial payment for deposit in the state user fee fund.

(4) Fourth, if there is money remaining after distribution under subdivision (3), the clerk shall distribute the partial payment to any other applicable user fee fund.

(5) Fifth, if there is money remaining after distribution under subdivision (4), the clerk shall apply the partial payment to any outstanding fines owed by the defendant."

Page 16, between lines 2 and 3, begin a new paragraph and insert:
 "SECTION 20. IC 33-19-6-18.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 18.2. (a) This section applies to criminal actions.**

(b) The court shall assess a sexual assault victims assistance fee of at least two hundred fifty dollars (\$250) and not more than one thousand dollars (\$1,000) against an individual convicted in Indiana of any of the following offenses after June 30, 2001:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2).

(3) Child molesting (IC 35-42-4-3).

(4) Child exploitation (IC 35-42-4-4(b)).

(5) Vicarious sexual gratification (IC 35-42-4-5).

(6) Child solicitation (IC 35-42-4-6).

(7) Child seduction (IC 35-42-4-7).

(8) Sexual battery (IC 35-42-4-8).

(9) Sexual misconduct with a minor as a Class A or Class B felony (IC 35-42-4-9).

(10) Incest (IC 35-46-1-3).

1 (c) The clerk shall transfer a fee collected under this section,
2 within thirty (30) days after the fee is collected, to the office of
3 women's health established by IC 16-19-13 for deposit by the office
4 in the sexual assault victims assistance fund established under
5 IC 16-19-13-6."

6 Renumber all SECTIONS consecutively.
 (Reference is to ESB 518 as printed April 9, 2001.)

Representative Kruzan